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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/767,689	01/24/2001	Erich Harsch	82673-0005	3223
24633	7590	03/18/2005	EXAMINER	
HOGAN & HARTSON LLP IP GROUP, COLUMBIA SQUARE 555 THIRTEENTH STREET, N.W. WASHINGTON, DC 20004			NGUYEN, JIMMY T	
			ART UNIT	PAPER NUMBER
			3725	

DATE MAILED: 03/18/2005


Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/767,689

Applicant(s)

HARSCH ET AL. 

Examiner

Jimmy T Nguyen

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 January 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 2-4, 10 and 12 is/are rejected.
- 7) ☒ Claim(s) 5-9, 11 and 13 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 January 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

The amendment filed on January 03, 2005 has been entered and considered and an action on the merits follows.

Specification

The proposed amendment filed on January 03, 2005 has been acknowledged and approved. The amendment sufficiently overcomes the disclosure informalities noted in the previous Office action.

Claim Rejections - 35 USC § 112

The proposed amendment filed on January 03, 2005 has been acknowledged and approved. The amendment sufficiently overcomes the 35 USC 112 rejections noted in the previous office action.

Claim Objections

Claim 2 is objected to because of the following informalities:

Line 11, the word "horizonatal" should be changed to --- horizontal ---.

Appropriate correction is required.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2-4, 10 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hofele et al. (hereinafter "Hofele")(US 6,223,582) in view of VanderZee et al. (hereinafter "VanderZee")(US 5,979,212).

Regarding claims 2, 4, and 12, Hofele discloses a processing station (fig. 1) comprising: an independent transporting apparatus (21), the independent apparatus comprising:

- a pivot drive (38);
- a pivot arm (27) operatively connected to the pivot drive;
- a disengageable cross member (28) pivotably mounted to the pivot arm (fig. 2);
- a sucker-cross member (29) mounted on the cross member (fig. 2);

Hofele does not disclose that the sucker cross member is movably mounted to the cross member and a structural arrangements of a slide in a linear guide in order to move the sucker-cross member. However, the patent to VanderZee, in a closely related art, teaches an independent transporting apparatus (42b), the independent transporting apparatus including a disengageable (fig. 11) cross-member (132) pivotable mounted (at section (380)) to a transporting element (238); and a sucker-cross member (268) movable mounted on the cross-member (see fig. 10), wherein a slide (276) is mounted in a linear guide (280), the linear guide positioned on the cross-member (fig. 10). The slide is movable in a horizontal direction (see col. 15, lines 53-62).

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VanderZee also discloses a rod (272, 274) in operatively connected to the slide (fig. 10); a spindle/nut system (282) operatively connected to the rod; and a drive mechanism (284) for driving the spindle/nut system, wherein the sucker-cross member, the slide, the linear guide, and the rod can be driven jointly via the drive and the spindle nut system and can be fitted on both sides of the cross- member (fig. 14). VanderZee teaches this construction of the slide on the cross member to move the sucker-cross member in order to shift the workpiece in relation to the centerline at each processing station (col. 17, lines 35-42). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to replace Hofele's cross member, with the type of cross member having a movable sucker-cross member, as taught by VanderZee, in order to shift the workpiece in relation to the centerline at each processing station.

Regarding claim 3, Hofele discloses that the cross member pivotably engaged the pivot arm (via element (26)). Hofele does not expressly disclose the cross member forms a universal joint. However, the patent to VanderZee teaches a disengageable cross member (132) having a universal joint (380) in order to accommodate movement of the cross member. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide Hofele's cross member, with a universal joint, as taught by VanderZee, in order to accommodate movement of the cross member.

Regarding claim 10, Hofele discloses that the cross member engaged the pivot arm (via element (26)), which is operatively mounted to the transporting apparatus. Therefore, the cross member is inherently disengageable from the pivot arm/transporting apparatus at a separating location.

Allowable Subject Matter

Claims 5-9, 11 and 13 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

Applicant's arguments filed on January 03, 2005 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jimmy T Nguyen whose telephone number is (571) 272-4520.

The examiner can normally be reached on Mon-Thur 8:00am - 6:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Derris Banks can be reached on (571) 272- 4419. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JTNguyen
March 08, 2005

A handwritten signature in black ink, appearing to read 'Derris H. Banks', with a large, stylized loop at the end.

DERRIS H. BANKS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3700